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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,431	03/29/2000	Baiju D. Mandalia	BOC9-1999-0056-US1	7538
23334	7590	12/28/2004	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/538,431

Applicant(s)

MANDALIA, BAIJU D.

Examiner

Jerome Grant II

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 112 rep. of claim 18
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the Examiner's Response
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-18

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: PTO - 892

JEROME GRANT II

DEPUTY EXAMINER

Examiner's Response
to the Amendment After Final Rejection

1.

The 112 rejection to claim 18 is withdrawn in view of the fact that an interview revealed that the subject matter in the claim is already known in the art. Hence what was alleged not to be shown in the claim is already in the possession of the public.

The overview of the invention, according to page 8 of the claimed invention reveals that a user through voice response provides a login request using a fax machine. A closer view of claims 1, 10 and 14, for example, do not reveal such a distinguishing limitation, i.e., the use of voice. Hence, applicant's arguments cannot be an overview of the present invention.

At page 12 of the applicant's argument, applicant argues that Serbinis does not provide fax reception to a document management system. It is true as applicant correctly points out that Serbinis provides fax notification. But also, Serbinis teaches providing a fax reception over the telephone network of at least one document. At col. 10, lines 1-10, Serbinis teaches that an electronic document may be retrieved by an authorized user once it is uploaded and stored in the DMS system. An Authorized user may modify the document and return the document to be stored in storage means

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30 of the DMS. Hence, it is not true, as applicant's allege, that there is no fax reception. An authorized user has the ability to receive a fax. The notification, col. 6, lines 54-60, is an additional feature of Serbinis. In other words, a notification is generated based on the reception of an electronic document being received by an authorized user.

While, Serbinis may not use a fax machine in the conventional sense, the generation of a document and the transmission of that document over a network, constitutes a fax transmission in the generic sense of facsimile.

Regarding the remarks concerning the 103 rejection applicant merely alleges that claim 16 is allowable for the reason that the invention as a whole is not taught. However, the rejection. However, each limitation of the claim is discussed. More specifically, receiving a fax reception mode is discussed at col. 10, lines where an authorized user can access database 30 and have the electronic document transmitted to it once it has been logged in by the originator of the electronic document as set forth in Serbinis.

The Affidavit under 1.132 has been considered but is unpersuasive in that the same arguments are made in the remarks by applicant's attorney.

These remarks have been duly considered and are properly rejected by the examiner.

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2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II



JEROME GRANT II
PRIMARY EXAMINER